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Message Text

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16
ACTION IO-10

INFO OCT-01 AF-06 EUR-12 NEA-09 ISO-00 CIAE-00 DODE-00

PM-03 H-02 INR-07 L-02 NSAE-00 NSC-05 PA-02 PRS-01

SP-02 SS-15 USIA-15 SAM-01 /093 W
---------- 000572
R 112359Z MAR 75
FM USMISSION USUN NY
TO SECSTATE WASHDC 9456
INFO AMEMBASSY MADRID
AMEMBASSY NOUAKCHOTT
AMEMBASSY RABAT
AMEMBASSY ALGIERS

UNCLAS USUN 775

E.O. 11652: N/A
TAGS: UN PFOR SP SS
SUBJ: SPANISH SAHARA: SPANISH REPLY

REF: USUN 618

1. FOLLOWING IS TEXT OF MAR 4 LETTER FROM SPANISH CHARGE
TO CHAIRMAN OF UN COMMITTEE OF 24, DISTRIBUTED AS UN DOC:

QTE

WITH REFERENCE TO DOCUMENTS A/AC.109/479 AND A/AC.109/480,
DATED 26 FEBRUARY 1975, I HAVE THE HONOUR, ON INSTRUCTIONS FROM
MY GOVERNMENT, TO INFORM YOU OF THE FOLLOWING:

GENERAL ASSEMBLY RESOLUTION 3292 (XXIX) OF 13 DECEMBER
1974 REAFFIRMS THE RIGHTS OF THE POPULATION OF THE SPANISH
SAHARA TO SELF-DETERMINATION IN ACCORDANCE WITH THE DOCTRINE
ESTABLISHED BY THE PREVIOUS GENERAL ASSEMBLY RESOLUTIONS
EXPRESSLY REFERRED TO IN THE PREAMBLE, INCLUDING RESOLUTION
3162 (XXVIII) OF 14 DECEMBER 1973, WHICH MY GOVERNMENT UNDER-
TOOK TO COMPLYWITH, AS WAS INDICATED IN THE COMMUNICATIONS
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FROM THE PERMANENT REPRESENTATIVE OF SPAIN TO THE UNITED

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NATIONS CONTAINED IN DOCUMENTS A/9174 1) AND A/9714.

THE SAHARAN PEOPLE CAN EXERCISE THEIR POLITICAL RIGHTS
IN WHATEVER MANNER THEY DEEM FIT, IN ACCORDANCE WITH THEIR
ASPIRATIONS AND WITH A VIEW TO THE EXERCISE OF THE RIGHT
TO SELF-DETERMINATION PROCLAIMED BY THE ENTIRE DOCTRINE
OF THE UNITED NATIONS FOR THE DECOLONIZATION OF THE SAHARA.

UNTIL SUCH TIME AS THE INDIGENOUS SAHARAN POPULATION DECIDES
UPON ITS FUTURE, THE SPANISH GOVERNMENT IS RESPONSIBLE
FOR THE ADMINISTRATION OF THE TERRITORY UNDER CHAPTER XI
OF THE UNITED NATIONS CHARTER. CONSEQUENTLY, IT APPLIES
THE PRINCIPLE THAT THE INTERESTS OF THE INHABITANTS OF
THE TERRITORY ARE PARAMOUNT AND THAT IT IS THEREFORE
OBLIGED TO PROMOTE THEIR DEVELOPMENT SO THAT THEY CAN
REALIZE THEIR ASPIRATIONS, ASSISTING THEM IN THE PROGRESSIVE
DEVELOPMENT OF THEIR FREE INSTITUTIONS.

HOWEVER, MY GOVERNMENT WISHES TO POINT OUT THAT IT IS NOT
CORRECT TO SAY THAT THE UNION NACIONAL SAHARAUI WAS ES-
TABLISHED ON 16 FEBRUARY 1975 BY THE SPANISH AUTHORITIES;
THIS PARTY WAS ESTABLISHED BY THE WILL OF ITS MEMBERS, AND
IN OCTOBER 1974. NOR DOES THAT PRECLUDE THE POSSIBILITY OF
THE CONSTITUTION OF OTHER POLITICAL BODIES WHICH MAY ARISE FROM
THE FREE INITIATIVE OF THE SAHARANS.

THERE IS THEREFORE NO JUSTIFICATION FOR THE CONCERN
EXPRESSED BY THE GOVERNMENTS OF MOROCCO AND MAURITANIA,
WHICH HAVE NO PART WHATEVER IN THE ADMINISTRATION OF THE
TERRITORY.

RESOLUTION 3292(XXIX), PARAGRAPH 2, CALLS UPON SPAIN, AS
THE ADMINISTERING POWER, AS WELL AS MOROCCO AND MAURITANIA,
IN THEIR CAPACITY AS INTERESTED PARTIES IN THE REQUEST TO
THE INTERNATIONAL COURT OF JUSTICE, TO SUBMIT ALL SUCH INFOR-
MATION AND DOCUMENTS AS MAY BE NEEDED TO CLARIFY THE QUESTIONS
RAISED BY THOSE TWO COUNTRIES, WHICH FORM PART OF PARAGRAPH 1
OF THE RESOLUTION. TO CHANGE THE SCOPE OF PARAGRAPH 2
OF THE RESOLUTION WOULD BE TO IGNORE THE FACT THAT SPAIN, AS
THE ADMINISTERING POWER, IS SOLELY RESPONSIBLE FOR THE WELL-
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BEING OF THE INHABITANTS OF THE TERRITORY AND THAT, TO
ACCELERATE THE DECOLONIZATION PROCESS, IT AGREED TO
RESOLUTION 3162 (XXVIII), AS STATED IN THE DOCUMENTS REFERRED
TO ABOVE. FURTHERMORE, THE LATTER RESOLUTION LIMITS THE ROLE
OF THE GOVERNMENTS OF MOROCCO AND MAURITANIA, OR ANY OTHER
INTERESTED PARTY, TO BEING CONSULTED BY THE ADMINISTERING
POWER WITH A VIEW TO DETERMINING THE PROCEDURES FOR THE
REFERENDUM.

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THE POSTPONEMENT OF THE REFERENDUM REFERRED TO IN RESOLUTION
3292(XXIX), PARAGRAPH 3, WHICH IS SUBJECT TO CONSULTATION WITH
THE SAHARAN POPULATION, IS DUE TO THE FACT THAT THE REQUEST
FOR AN ADVISORY OPINION IS BEING MADE TO THE INTERNATIONAL
COURT OF JUSTICE. THE RESOLUTION MAKES THIS REQUEST WITHOUT
PREJUDICE TO THE APPLICATION OF THE PRINCIPLES EMBODIED
IN GENERAL ASSEMBLY RESOLUTION 1514(XV) OF 14 DECEMBER 1960,
MENTIONS THE NEED TO ACCELERATE THE DECOLONIZATION PROCESS
AND REQUESTS THE SPECIAL COMMITTEE TO KEEP THE SITUATION
UNDER REVIEW, INCLUDING THE SENDING OF A VISITING MISSION. IT
CANNOT THEREFORE BE ARGUED THAT A DECISION HAS BEEN TAKEN TO
FREEZE THE NATURAL DEVELOPMENT OF THE SITUATION IN THE
TERRITORY AND OF ITS POPULATION IN ACCORDANCE WITH THE FREE WILL
OF ITS INHABITANTS. THE RESULT OF PROCEEDING DIFFERENTLY WOULD
BE TO FRUSTRATE THE INALIENABLE RIGHT OF THE POPULATION TO
SELF-DETERMINATION IN ACCORDANCE WITH THE PROVISIONS OF
CHAPTER XI OF THE CHARTER, OF RESOLUTION 1514 (XV) AND
OF THE ENTIRE DOCTRINE ESTABLISHED BY THE UNITED NATIONS FOR
THE DECOLONIZATION OF THE TERRITORY, SPECIFICALLY GROUPED
TOGETHER IN RESOLUTION 3292(XXIX).

AS YOU KNOW, THE SPANISH GOVERNMENT HAS INVITED THE UNITED
NATIONS TO ESTABLISH A PRESENCE IN THE TERRITORY THROUGH A
VISITING MISSION. YOU ARE FULLY AWARE OF THE GOODWILL
AND COOPERATIVE ATTITUDE OF THE SPANISH GOVERNMENT IN THAT RESPECT.
WHEN THE MISSION ARRIVES IN THE TERRITORY, IT WILL HAVE AN
OPPORTUNITY TO VERIFY NOT ONLY THESE POINTS BUT ALSO THE
TRUE SITUATION, FEELINGS AND WISHES OF THE POPULATION.

THEREFORE, ANY COMMENTS OR ASSUMPTIONS OF THE KIND MADE BY
THE DELEGATIONS OF MOROCCO AND MAURITANIA IN THE DOCUMENTS
REFERRED TO AT THE BEGINNING OF THIS LETTER ARE OUT OF
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PLACE.

MY DELEGATION RESERVES THE RIGHT TO ENLARGE UPON OR ADD TO
THE CONTENTS OF THIS COMMUNICATION.

1) OFFICIAL RECORDS OF THE GENERAL ASSEMBLY, TWENTY-EIGHTH
SESSION, ANNEXES, AGENDA ITEM 23.

(SIGNED) ANTONIO ELIAS
CHARGE D AFFAIRES A.I. UNQTE
SCALI

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